

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
	:	
v.	:	CRIMINAL ACTION NO.
	:	1:10-CR-0156-WBH
JAMES J. GUINN,	:	
Defendant.	:	

**ORDER**

This matter is now before the Court for consideration of Defendant's motion to participate in voir dire, [Doc. 10], and the Report and Recommendation (R&R), [Doc. 22], in which the Magistrate Judge recommends that Defendant's motion for severance of counts, [Doc. 20], be denied.

Defendant has not objected to the R&R, and this Court need only conduct a plain error review of the Magistrate Judge's findings and conclusions.

In the R&R, the Magistrate Judge concluded that:

The counts are clearly properly joined under Rule 8 as the offenses are of the same or similar character. As for severance under Rule 14, Defendant has not alleged sufficient facts or circumstances to show actual compelling prejudice, as required for severance under that rule.

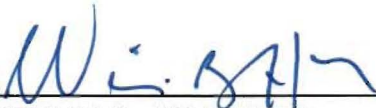
R&R at 1-2.

Having carefully reviewed the matter, this Court concludes that the Magistrate Judge's conclusions are correct in law and fact. Accordingly, this Court adopts the

R&R as its order and Defendant's motion for severance, [Doc. 20], is hereby **DENIED**.

For good cause shown and in the absence of opposition, Defendant's motion to participate in voir dire, [Doc. 10], is **GRANTED** but only to the degree consistent with the past practices of this Court.

**IT IS SO ORDERED**, this 20 day of October, 2010.

  
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WILLIS B. HUNT, JR.  
UNITED STATES DISTRICT JUDGE